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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Zhiping Yin et al.

Title: OXYGEN PLASMA TREATMENT FOR NITRIDE SURFACE TO REDUCE PHOTO FOOTING

Attorney Docket No.: 303.531US1

JC525 U.S. PTO

09/259762



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- X Utility Patent Application under 37 CFR § 1.53(b) comprising:
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 - X Formal Drawing(s) (2 sheets).
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OXYGEN PLASMA TREATMENT FOR A NITRIDE SURFACE TO REDUCE PHOTO FOOTING

Field of the Invention

5 The present invention relates to a method for semiconductor substrate treatment to reduce profile distortion, such as footing and undercutting, during photolithographic fabrication, prior to applying a photoresist to the substrate and relates to the treated substrate.

Background of the Invention

10 Photolithographic techniques used in the fabrication of semiconductor-based electronic devices rely upon a material that undergoes a chemical change when exposed to activating radiation. The material, known as a “photoresist,” is positioned over a semiconductor substrate and forms a mask over the substrate.

15 Semiconductor substrates typically comprise wafers that have been fabricated from materials such as silicon, aluminum, polymeric resins, silicon dioxide, doped silicon dioxide, silicon resins, gallium arsenide, silicon nitride, copper, aluminum-copper mixtures and ceramics.

 In semiconductor circuit fabrication, the photoresist mask acts as a template
20 that imparts features of a microcircuit to the substrate. The photoresist mask is applied to the substrate by a method such as dip coating, spray coating, and spin coating. Mask thickness is adjusted in the spin coating method by adjusting solids content of the mask material.

 In addition to the photoresist, photolithographic techniques utilize a
25 polymeric composition in conjunction with a developer solvent that selectively removes only exposed portions of the photoresist in one embodiment, which is a positive acting photoresist, and only unexposed portions of the photoresist in

another embodiment, which is a negative acting photoresist. This selective removal produces a patterned photoresist layer. The patterned photoresist layer provides a patterned mask for subsequent steps of circuit fabrication such as ion implantation, etching, or patterned deposition of materials by lift-off techniques. The lift-off techniques include depositing a microcircuit material all over the surface of the substrate, applying the patterned photoresist mask, treating the mask with the activating radiation, and then removing portions of the photoresist with the developer solvent in order to transfer the mask pattern to the microcircuit material. The steps of mask material application-- mask formation and lift-off-- may be repeated in order to vertically fabricate the microcircuit from the semiconductor and other materials.

Because critical dimensions of a semiconductor microcircuit are pre-determined by dimensions of openings in the photoresist curing mask, it is essential that each step in the photolithography process transfer an accurately patterned mask for each subsequent step. It is important that critical dimensions are maintained throughout the photolithography process. Achieving the precise transfer requires that any surface overlaid by a photoresist be substantially free of discontinuities.

Maintaining critical dimensions becomes increasingly difficult to achieve as multiple layers are fabricated using the steps of coating a resist on a substrate to make a mask, forming a resist pattern on the mask, etching by using the resist pattern of the mask and stripping the resist to form a portion of a microcircuit. Any imperfection such as a surface discontinuity occurring as a result of fabrication of one of the layers becomes magnified in the fabrication of subsequent layers.

These imperfections such as surface discontinuities are manifested as a profile distortion at an interface between the resist and the substrate. The profile distortion takes the form of "footing" on positive resists and "undercutting" on negative resists. The problems of "footing" and "undercutting" prevent satisfactory control of patterning in the fabrication of critical dimensions using the

photolithography technology. Thus, the usefulness of photoresist-based fabrication is significantly hampered, particularly for fabrication of tiny components.

This imperfection problem is particularly aggravated for acid catalyzed photoresists. The Knight et al. patent, U.S. number 5,486,267, which issued January 23, 1996, describes a method for preparing an acid catalyzed substrate prior to applying a photoresist to the substrate. The method treats a substrate comprising chemically vapor deposited films of materials such as silicon dioxide and silicon nitride with a reactive oxygen species such as ozone.

The Katayama, et al. U.S. patent number 5,372,677, which issued December 13, 1994, describes another method for reducing profile distortion occurring as a result of an act of stripping an upper layer side resist. The method includes a step of treating a surface of a resist pattern with a plasma. The plasma is an oxygen plasma.

The Lind patent, U.S. patent number 5,304,453, which issued April 19, 1994, describes a method of forming a pattern on a semiconductor substrate. The method includes exposing a photo image, etch resistant pattern to an oxygen plasma. The pattern is transferred from its initial carrier substrate, the mask, to a receiver substrate by use of a hardenable liquid adhesive. An oxygen plasma is used to etch and to remove substrate material that does not improve adhesion.

The Pavelchek et al., U.S. patent number 5,366,852, which issued November 22, 1994, describes transferring patterns of micron and sub-micron dimensions to a substrate by dry etching. The dry etching method is set to utilize plasma or reactive ion etching to remove specific areas of material on a surface so that a pattern remains on the surface. The patent describes an embodiment where an organic polymer is used as a substrate and dry etching is performed using an oxygen plasma or oxygen reactive ion etchant.

The Putpuntambekar et al. patent, U.S. number 5,714,037, which issued February 3, 1998, describes several methods for improving adhesion between various materials used in fabricating integrated circuits. One of the methods

includes improving adhesion between a silicon-nitride layer and a polyimide layer by treating the silicon-nitride with oxygen plasma.

A Japanese patent application number 59-070464, filed April 9, 1984, to Sanyo Electric Company describes treating a chrome film with an oxygen plasma to
5 roughen the surface of the chrome film. The roughened surface is overlaid with a hexamethyl disilazane.

Description of the Drawings

Figure 1 is a prior art cross-sectional view of a trench patterned in a
10 photo resist showing "footing".

Figure 2 is a cross-sectional view of a trench patterned in deep photo resist after treatment according to the method of the present invention.

Figure 3 is a schematic view of one embodiment of a process of the present invention for treating a semiconductor substrate with an oxygen plasma.

15 Figure 4 is a schematic view of one other embodiment of a process of the present invention for treating a semiconductor substrate with an oxygen plasma.

Summary of the Invention

One embodiment of the present invention comprises a method for reducing
20 profile distortion in semiconductor fabrication. The method includes providing a substrate comprising a film comprising silicon nitride. The substrate is treated in a vacuum of about 3.0 to 6.5 Torr in an atmosphere comprising oxygen plasma and an inert gas. The oxygen plasma flow rate comprises about 300 sccm to about 2000 sccm oxygen and about 400 to 1000 sccm helium. A resist is applied to the treated
25 substrate and the substrate is patterned with a reduced profile distortion such as footing or undercutting.

Another embodiment of the present invention comprises a patterned silicon nitride film treated with an oxygen plasma. The patterned silicon nitride film is resistant to photolithography profile distortions such as footing or undercutting.

One other embodiment of the present invention includes a semiconductor
5 that comprises a substrate, a silicon nitride film that overlays the substrate and a microcircuit positioned within and on the silicon nitride film. The microcircuit is substantially free from profile distortion.

Detailed Description

10 In the following detailed description of the invention, reference is made to the accompanying drawings which form a part hereof, and in which is shown, by way of illustration, specific embodiments in which the invention may be practiced. In the drawings, like numerals describe substantially similar components throughout the several views. These embodiments are described in sufficient detail to enable
15 those skilled in the art to practice the invention. Other embodiments may be utilized and structural, logical, and electrical changes may be made without departing from the scope of the invention.

For purposes of this specification, the terms “chip”, “wafer” and “substrate” include any structure having an exposed surface of semiconductor material with
20 which to form integrated circuit (IC) structures. These terms are also used to refer to semiconductor structures during processing and may include other layers that have been fabricated thereupon. The terms include doped and undoped semiconductors, epitaxial semiconductor layers supported by a base semiconductor or insulator, as well as other semiconductor structures well known in the art. The
25 term “conductor” is understood to include semiconductors, and the term “insulator” is defined to include any material that is less electrically conductive than the materials referred to as “conductors.” The following detailed description is, therefore, not to be taken in a limiting sense.

One embodiment of a method of the present invention for reducing profile distortion in a semiconductor substrate overlaid with a photoresist, comprises providing a semiconductor substrate made of a material such as silicon nitride and treating the silicon nitride with a plasma that includes oxygen and an inert gas such as helium. The oxygen plasma flow rate comprises about 300 sccm to about 2000 sccm oxygen and about 400 to about 1000 sccm helium. The power for generating the plasma is obtained from an energy source such as an RF coil, illustrated schematically in one embodiment at 40 in Figure 4 or a microwave source, illustrated schematically in one embodiment at 30 in Figure 3.

While a radio frequency, RF, discharge field is described, it is believed that other oxygen plasma generating methods may be employed in the method of the present invention. For instance, the plasma source may include, in other embodiments, microwave discharges, electron cyclotron resonance sources, high density reflected electron, helicon wave, inductively coupled plasma and transformer coupled plasma. Microwave excitation may be applied by processes such as localized electron cyclotron resonance, surface wave and distributed electron cyclotron resonance.

Irrespective of the energy source, the energy used to generate the plasma has a power of about 150 to 900 watts. The pressure at which the substrate is exposed to the plasma is about 3.0 to 6.5 Torr. Once the substrate is treated with oxygen plasma, the substrate is overlaid with the photoresist.

In one embodiment, the oxygen plasma is generated by exposing oxygen gas to electrodes 32a and 32b in the microwave process 30 in Figure 3 or to an RF coil 42 in Figure 4. The electrodes 32a and 32b are disposed at a distance of about 400 to 600 mils from each other. The silicon nitride substrate is exposed to the oxygen plasma for a time ranging from about 10 seconds to 5 minutes. The silicon nitride substrate is on wafer 36 in Figure 3 and sample 48 in Figure 4.

That the method of the present invention is effective in treating a silicon nitride substrate to reduce footing or undercutting of a photoresist is surprising because the high energy used to generate the plasma and high oxygen flow rate would be expected to produce ion-induced damage to the silicon nitride substrate
5 due to ion acceleration into the substrate. This damage would be expected to profoundly effect symmetry of tiny microcircuits produced by photolithography.

However, contrary to expectations, the method of the present invention produces a substrate surface that is substantially uniformly compatible with a photoresist mask making the smallest microcircuit components known. The method
10 is believed to “temper” the substrate so that it is substantially free of bonding discontinuities or viscosity discontinuities that adversely affect photoresist-substrate bonding. It is believed that the oxygen plasma treatment substantially uniformly hardens the silicon nitride surface, forming a substantially uniform crust on the surface.

15 Profile distortion which is reduced by the method of the present invention includes the formation of “footing” such as is shown at 10 and 16 in Figure 1. The “footing” 10 is an absence of sharpness at a corner where one photoresist layer 12 meets another underlying layer 14. Profile distortions such as “footing,” as well as other distortions such as “undercutting” and “skirting” occur because the photoresist
20 liftoff is not uniform. For tiny components, profile distortion destroys the symmetry of the component. For larger components, profile distortions such as “footing” and “undercutting” impact are not so great because the distortions are small when compared to the size of the component part.

One embodiment of the method of oxygen plasma treatment of the present
25 invention is used in conjunction with deep ultraviolet (DUV) lithography. DUV lithography utilizes ultraviolet, UV, light to expose and to “set” an acid catalyzed photoresist. Acid catalyzed photoresists have generally been used to fabricate microcircuits without significant problems. However, it has been found that as

microcircuit size decreases, problems, such as formation of an undesirable "footing" on a positive resist, occur. The "footing" problem has been observed in the fabrication of larger circuits but has not created a damaging profile distortion because of the larger circuit size as compared to the size of the "footing."

5 The oxygen plasma is generated, in one embodiment, with an RF coil such as is illustrated at 42 in Figure 4, in a remote process. Atomic oxygen is fed into a vessel 44 adjacent to the RF coil 42 at 46. The oxygen plasma is generated by electron impact dissociation of molecular oxygen in a plasma region. Once exposed to a semiconductor substrate 48, the atomic oxygen diffuses from the plasma region
10 to the substrate surface. Oxygen ions generated in the plasma coil region are "thermalized" during transport to the substrate by a tantalum heater 50.

 In another embodiment, the oxygen plasma is generated in a microwave cavity process as is generally shown at 30 in Figure 3. With the use of microwaves, the process gas, oxygen and a helium diluent, are passed through a plasma generator
15 34 having a power of about 150 to 900 watts. The plasma generator includes two electrodes 32a and 32b that are positioned about 400 to 600 mils apart.

 The oxygen plasma is then transferred to a semiconductor device 36 with a silicon nitride surface 38, shown in Figure 2. The semiconductor device 36 is in a chamber 39 that has been evacuated to a pressure of 3.0 to 6.5 Torr. Vacuum is
20 maintained by a device such as a vacuum pump which is not shown.

 An exposure of the oxygen plasma to the semiconductor substrate at the silicon nitride surface 38 occurs under conditions of pressure, concentration, and flow rate as described herein. The oxygen plasma treatment is administered to the substrate in order to neutralize the presence of any contaminants at the
25 resist/substrate interface which are believed to interfere with sensitization of the photoresist material.

 The method of the present invention treats a semiconductor substrate, such as a silicon-nitride substrate with oxygen plasma at a much greater vacuum, higher

power, greater charge and greater concentration than heretofore contemplated. The consequence of utilizing the method of the present invention on a semiconductor substrate prior to subjecting the substrate to DUV lithography, especially with an acid catalyzed photoresist, is that any problems relating to profile distortion, such as
5 “footing” or “undercutting” are reduced, if not substantially eliminated, for the smallest microcircuits contemplated.

One embodiment of the method of the present invention comprises treating a silicon-nitride film with an oxygen plasma in an environment that has a pressure of about 3.0 to 6.5 Torr. The oxygen plasma is formed as a discharge from an RF
10 treatment. One configuration for RF treatment, shown at 40 in Figure 4 includes an induction coil 42 wound around a tube 43, such as a quartz tube. The tube 43 is appended as required. The silicon-nitride film on the sample 48 and oxygen plasma are exposed to each other under conditions wherein the oxygen plasma is subjected to a power of about 150 - 900 watts within the chamber 44. The oxygen
15 flow rate is about 300 to 2,000 sccm, wherein sccm refers to “standard condition cc/minutes”. The exposure time ranges from about 10 seconds to 5 minutes.

A silicon-nitride film exposed to an oxygen plasma under conditions that are described herein is substantially resistant to problems relating to photoresist overlays, such as “footing” or “skirting” or “undercutting.” What is believed to
20 occur is that N-H bonds in the silicon-nitride film are neutralized in some fashion so that the N-H bonds are unable to deactivate an acid component at a chemically amplified resist/nitride film substrate interface. As a consequence, there is no discontinuity in tackiness over the silicon nitride surface that causes the resist to “stick” to the substrate preferentially at a particular area.

25 In one embodiment, the silicon-nitride film has been treated with the oxygen plasma and acid-catalyzed photoresist is applied to the film. One acid-catalyzed photoresist that may be employed in conjunction with the method of the present invention is identified as IBM2311 and is available from International Business

Machines Corporation of Armonk, New York. While the IBM acid-catalyzed photoresist is described, it is believed that any acid-catalyzed photoresist is usable in the method of the present invention. The IBM acid-catalyzed photoresist is formed utilizing an acid-catalyzed deprotection reaction of tert-butoxycarbonyl oxystyrene (TBOC). The resist may be applied to the substrate by spin coating followed by a hot plate bake.

In general, resist compositions that are sensitive to ultraviolet, electron beam or x-ray radiation with positive or negative resist tone are suitable for use in embodiments of the present invention. Resists that have particular significance include resists that include a polymer having a recurrent acid labile pendant group with a cationic photo initiator such as aryldiazonium, diaryliodonium, or triarylsulfonium metal halides. The polymer containing the initiator is coated as a thin film on the silicon-nitride substrate. This construction has been baked under controlled conditions and exposed to radiation in an image wise configuration and post baked under controlled conditions.

In the portions of the film on which radiation falls, the polymer recurrent acid labile pendant groups are cleaved to form polar recurring units and the exposed areas are selectively removed by treatment with an alkaline developer or polar solvent. Because the unexposed portions of the film are non-polar, they are selectively removed by treatment with a non-polar solvent. Thus, image reversal is extremely easily achieved by a proper choice of a developer owing to the great difference in the solubility characteristics of the exposed and unexposed portions. One suitable resist such as is described in US patent number 4,491,628 which is incorporated by reference herein, describes a resist which is susceptible to a chemical reaction which is dependent upon side exchange cleavage.

By treating the silicon-nitride film with the oxygen plasma prior to application of the photo resist, profile distortions such as "footing" and "undercutting" are reduced if not substantially eliminated. A cross-sectional view of

a trench 10 patterned in a deep ultraviolet sensitive photoresist well is shown in Figure 1. The structure includes 11,000 angstroms of an acid-catalyzed photoresist 12. Under the photoresist 12 is a 4,000 angstrom layer of silicon-nitride 14. A “footing” 16 is present at the bottom of the feature where the image side walls encroach on a clear area.

By exposing the silicon-nitride film to an oxygen plasma under the conditions described herein prior to resist application, the “footing” distortion 16 is substantially eliminated. It is believed that the method of the present invention is usable to prevent an “undercutting” distortion as well. A structure illustrated at 36 in Figure 2 is processed identically to that of Figure 1, except that the sample shown was subjected to an extended oxygen plasma step as described above. A trench 10' is formed in a photoresist 12' with vertical resist profiles and sharp corners 18. The improved profile shown in Figure 2 is a result of the treatment of the silicon-nitride film 14 with the oxygen plasma prior to resist application.

While the invention has been particularly shown and described with reference to preferred embodiments hereof, it will be understood by those skilled in the art that there is changes in form and details may be made herein without departing from the spirit and scope of the invention.

IN THE CLAIMS

What is claimed is:

1. A method for reducing profile distortion in semiconductor fabrication, comprising:
 - providing a semiconductor substrate comprising a film comprising silicon-nitride;
 - treating the film in a vacuum of about 3.0-6.5 Torr and in an atmosphere comprising oxygen plasma wherein the oxygen plasma flow rate is at least about 300 sccm oxygen thereby rendering the substrate resistant to profile distortion;
 - applying a resist to the treated substrate; and
 - patterning the resist.
2. The method of claim 1 and further including exposing oxygen gas to an energy source generating about 150-900 watts in order to make the oxygen plasma.
3. The method of claim 2 wherein the oxygen plasma is made by electromagnetic excitation of oxygen gas by electrodes that are about 400 to 600 mils apart.
4. The method of claim 1 wherein the silicon nitride film is exposed to the oxygen plasma for a time of about 10 seconds to about 5 minutes.
5. The method of claim 2 wherein the oxygen plasma is made by an exposure of oxygen gas to an energy source that is RF energy.

6. The method of claim 2 wherein the oxygen plasma is made by an exposure of oxygen gas to an energy source that is microwave energy.
7. The method of claim 1 wherein the reduced profile distortion is footing.
8. The method of claim 1 wherein the reduced profile distortion is undercutting.
9. The method of claim 1 and further including removing the resist from the silicon nitride film with reduced profile distortion.
10. The method of claim 1 wherein the oxygen flow rate is not greater than about 2000 sccm.
11. The method of claim 1 and further comprising adding an inert gas to the oxygen gas.
12. A semiconductor, comprising:
 - a substrate;
 - a silicon nitride film that overlays the substrate; and
 - a microcircuit positioned within and on the silicon nitride film wherein the microcircuit is substantially free from profile distortion.
13. The semiconductor of claim 12 wherein the silicon nitride film is substantially free from surface viscosity discontinuities.
14. The semiconductor of claim 12 and further including a resist patterned to form a portion of the microcircuit, positioned over the silicon nitride film.

15. The semiconductor of claim 14 wherein the resist is an acid-catalyzed photoresist.
16. A semiconductor fabrication construction, comprising:
a semiconductor substrate;
a silicon nitride film that overlays the substrate wherein the film is substantially free of tackiness; and
a photoresist that overlays the silicon nitride film.
17. The semiconductor fabrication of claim 16 wherein the photoresist is an acid catalyzed photoresist.
18. The semiconductor fabrication of claim 16 wherein the photoresist is patterned.
19. The semiconductor fabrication of claim 18 wherein the photoresist is substantially free of profile deformation.
20. The semiconductor fabrication of claim 16 wherein the silicon nitride comprises a surface that is substantially free of surface viscosities discontinuities.

Abstract of the Disclosure

The present invention includes a method for preventing distortion in semiconductor fabrication. The method comprises providing a substrate comprising a film comprising silicon nitride. The substrate is treated in a vacuum of about 3.0-6.5 Torr in an atmosphere comprising oxygen plasma wherein the oxygen plasma flow rate is at least about 300 sccm oxygen. A resist is applied to the treated substrate and the resist is patterned over the treated substrate.

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Printed Name: CHRIS HAMMOND
Signature: Chris Hammond

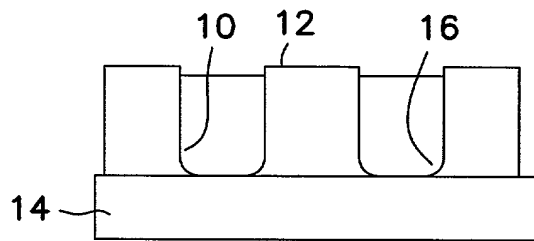


FIG. 1 (PRIOR ART)

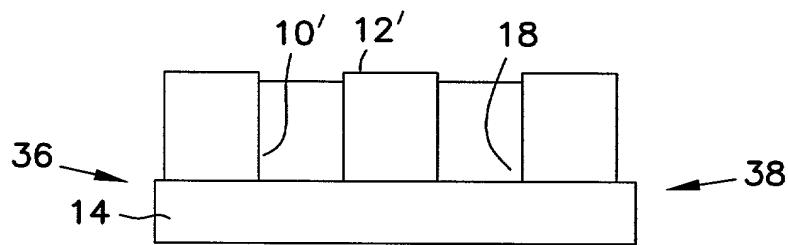


FIG. 2

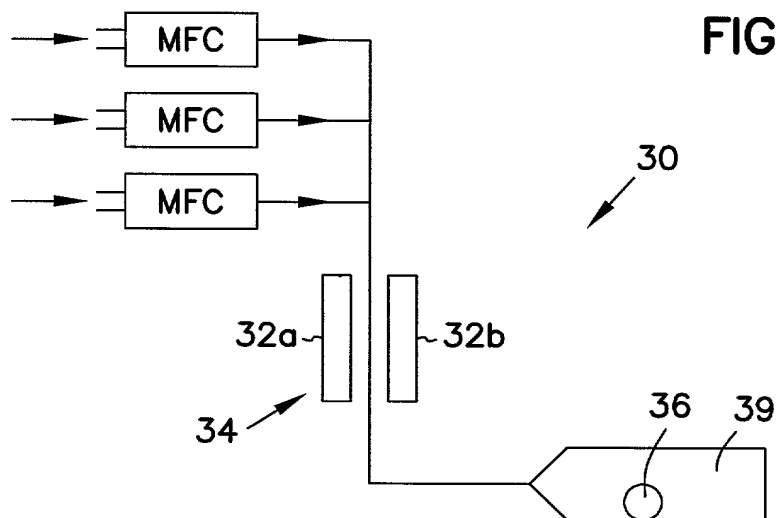


FIG. 3

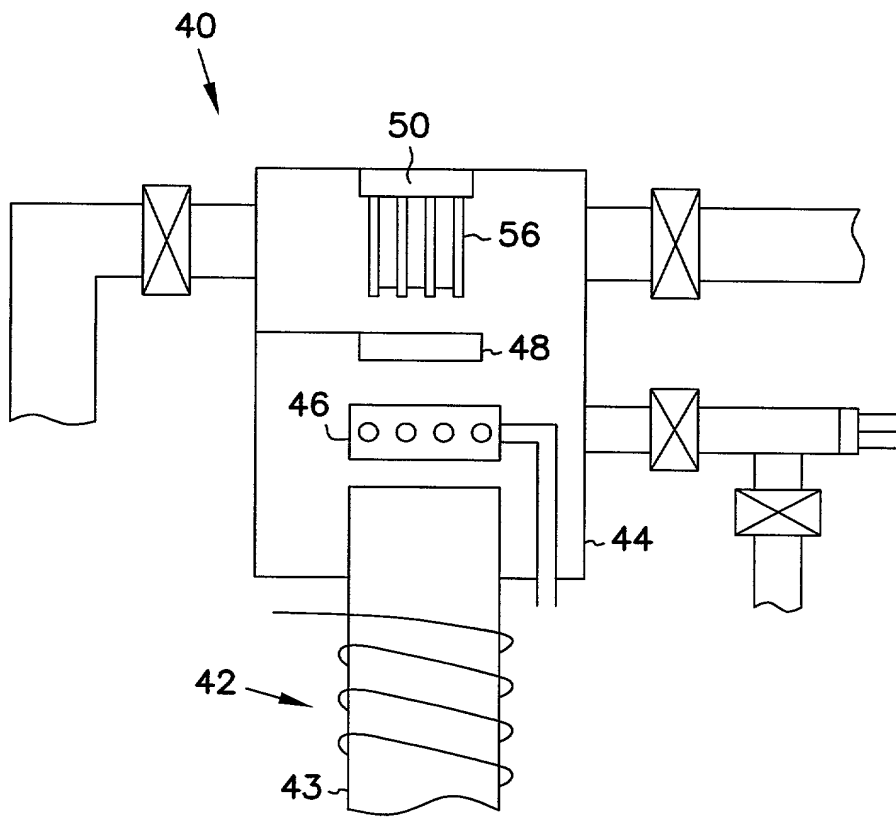


FIG. 4

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

DECLARATION FOR PATENT APPLICATION

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OXYGEN PLASMA TREATMENT FOR NITRIDE SURFACE TO REDUCE PHOTO FOOTING .

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such claim for priority is being made at this time.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application.

No such claim for priority is being made at this time.

Attorney Docket No.: 303,531US1
Serial No. not assigned
Filing Date: not assigned

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature: _____

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Date: _____

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Signature: _____

Mark Fischer

Date: _____

2/24/99

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.